

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NAKEEM ARCHIE,

Plaintiff,

v.

9:12-CV-1050

BRIAN FISCHER, Commissioner of
Correctional Services, DEROUCHIE,
Correctional Officer, EDDY, Sergeant, GALE,
Correctional Officer, GRANT, Correctional
Officer, KING, Correctional Officer, KOTING,
Correctional Officer, S. LAMARE, Correctional
Officer, McBETH, Correctional Officer, MILLER,
Correctional Officer, MITCHEODLY, Correctional
Officer, ROLFE, Correctional Officer, SIMMONS,
Correctional Officer, ST. MARY, Correctional
Officer, WINSTON, Correctional Officer, WOOD,
Correctional Officer, JOHN DOE, Correctional
Officer, SUPERINTENDENT OF UPSTATE
CORRECTIONAL FACILITY,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This *pro se* 42 U.S.C. § 1983 action was referred to the Hon. Randolph F. Treece,
United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. §
636(b).

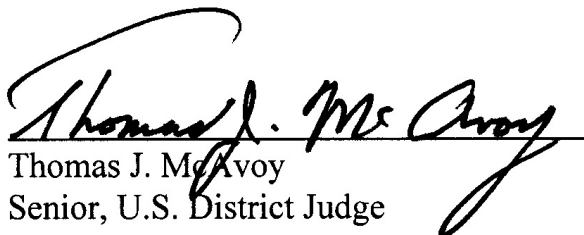
No objections to the June 10, 2014 Report-Recommendation have been raised.
After examining the record, this Court has determined that the Report-Recommendation is
not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the
Report-Recommendation for the reasons stated therein.

It is, therefore, ORDERED that:

- (1) Defendants' Motion for Partial Summary Judgment, with respect to all of Plaintiff's remaining claims under 42 U.S.C. § 1983, except his May 1, 2012 excessive force claim, is GRANTED;
- (2) Defendants Rock, Fischer, King, Keating, McBath, Miller, Simmons, and John Doe, are DISMISSED from this action;
- (3) Defendants' Motion for Partial Summary Judgment, with respect to Plaintiff's request for monetary relief for his surviving excessive force claim under 42 U.S.C. § 1983 against Defendants St. Mary, Grant, Gale, Derouchie, Winston, Mitcheodly, Rolfe, Eddy, Lamare, and Wood, in their official capacities, is GRANTED; and
- (4) Plaintiff's surviving excessive force claim under 42 U.S.C. § 1983 against Defendants St. Mary, Grant, Gale, Derouchie, Winston, Mitcheodly, Rolfe, Eddy, Lamare, and Wood, in their individual capacities only, is deemed TRIAL READY.

IT IS SO ORDERED.

DATED: July 23 , 2014


Thomas J. McAvoy
Senior, U.S. District Judge